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09/678,295	10/02/2000	Mathias Entenmann	35901.3	4137
27683 7590 09/11/2008 HAYNES AND BOONE, LLP 901 Main Street Suite 3100 Dallas, TX 75202				
EXAMINER				
TRAN, HAI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RESPONSE TO REPLY BRIEF

1. This communication is in response to the Reply Brief, filed on August 18, 2008. The Appeal Brief was filed on February 26, 2008. The Examiner's Answer was mailed on July 25, 2008.
2. Claims 1-4, 7, 9-10, 12-19 and 22-32 are pending in this application, stand finally rejected, and are currently on appeal.

Response to Arguments

In the Appeal Brief, the Appellant argued:

Writing the data transmitted from the merchant station to an open transaction and then comparing a merchant station identification code transmitted from the mobile cell telephone with the open transaction to find the transaction

The Examiner has responded to the above argument and pointed the Appellant to Figure 3 and its description in Partridge reference in the Examiner's Answer. However, the Appellant argues that "there is no discussion in the Detailed Description of Partridge as to what is done with MIN2" (see Reply Brief, page 2, sixth paragraph), and "there is simply no discussion of the transmission of MIN2 by the merchant to the credit center other than the illustration of Fig. 3" and "there is no disclosure of what is done with that information" (see Reply Brief, page 3, second paragraph).

- The Examiner would like to point the Appellant to Figure 2 and description in column 5, lines 27-28 where it says "therefore, center 40 is in a position to evaluate whether the customer of MIN1 deserves to get credit". It says clearly that the role of the

Credit Center is to evaluate the information they receive to determine if a credit should be granted, it is interpreted that they would evaluate the information of MIN2 as well when they receive it even there is no explicit description of it. The Examiner is satisfied that this description explains what the Credit Center do with the information of MIN2.

Transmitting the transaction data to the mobile cell telephone and outputting the data through the mobile cell telephone

Here, the Appellant argues that "Partridge teaches sending only the approval code or a decision to grant credit. Confirmation of an amount charged is not sent to the telephone" and "Applicants submit that the skill in the art at the time the present disclosure was filed was to provide a printout, and providing transaction data through a mobile cell telephone would not have been obvious to someone of ordinary skill in the art" (see Reply Brief, page 3, last paragraph).

- The Examiner disagrees. Partridge teaches transmitting the approval code, the transaction data is the additional data and it would have been obvious to one of ordinary skill in the art at the time of the invention to include the additional data in the approval code and transmits it to the mobile telephone.

Even if the Appellant disagrees with the Examiner's conclusion, the Jonstromer reference teaches transmitting the confirmation information, the transaction data, and that a combination of the Partridge and Jonstromer references would have disclosed the Appellant's claimed limitation (see analysis below and Jonstromer, column 6, lines 29-34, 43-47).

In addition, the Appellant argues that Jonstromer does not teach "displaying transaction data on the VDU of the mobile phone" (see Reply Brief, page 4, last paragraph and first paragraph in page 5).

▪ The Examiner disagrees. The Examiner would like to point the Appellant to the description of Jonstromer in column 6, lines 29-34 where it says:

"This information is used to formulate a signal containing the following data: payer's bank account; ... and the amount to be transferred."

and lines 43-47 where it says:

"The electronic banking terminal may also transmit a signal to the smart card 4, confirming completion of the transaction. This signal may be stored in the form of an electronic receipt on the payer's smart card electronic wallet."

Here it says clearly that a signal containing the transaction data and the completion of the transaction is transmitted to the smart card of the mobile telephone. Since the signal is transmitted to the smart card of the mobile telephone, the Examiner interprets that the information transmitted can be displayed on the VDU of the mobile telephone. The Examiner believes that a combination of the Partridge and Jonstromer references discloses this limitation.

Requesting confirmation information through the mobile cell telephone and transmitting the confirmation data

The Appellant argues that the cited particular Partridge columns and line numbers in the Examiner's Answer does not adequately address the limitation.

Appellant argues that the cited column and line number reference is directed to “registering the cellular telephone with a base station, the only confirmation data related to confirming the transaction in Partridge seems to be approval code or decision to grant credit, and there is no disclosure or requesting confirmation information through the mobile cell telephone and transmitting the confirmation data” (see last paragraph in page 5 and first paragraph in page 6).

- The Examiner acknowledges that the cited particular columns and line numbers of Partridge reference in the Examiner’s Answer does not adequately address the limitation. However, the Appellant is expected to fully consider all the references (Partridge and Jonstromer) used by the Examiner in entirety as potentially teaching all or part of the claimed invention. With this, the Examiner would like to point the Appellant to the description of Jonstromer, column 6, lines 19-34 where it says:

“When the owner of a smart card electronic wallet wishes to arrange a credit transfer from his bank account to a payee’s account, he inserts the smart card electronic wallet 7, into a mobile phone 4, and enters his PIN using the mobile phones keypad 5. In response to a menu driven series of options and questions generated by the smart card and displayed on the mobile phones VDU 6, the owner enters details of his own bank account and his bank’s address, (this information may be pre-stored on the smart card), the amount of money to be transferred and the payee’s bank account number. This information is used to formulate a signal containing the following data: payer’s bank account; payer’s electronic signature; payer’s bank account; and the amount to be transferred.”

and lines 44-47 where it says:

"The electronic banking terminal may also transmit a signal to the smart card 4, confirming completion of the transaction. This signal may be stored in the form of an electronic receipt on the payer's smart card electronic wallet."

The Examiner believes that Jonstromer discloses this limitation as claimed. It is further the determination of the Examiner that a combination of the Partridge and Jonstromer discloses the Appellant's invention as claimed.

Terminating the transaction if the confirmation is not given within a predetermined time

The Appellant argues that the cited particular Partridge columns and line numbers reference in the Examiner's Answer does not adequately address the limitation of terminating the transaction if confirmation information is not given within a predetermined time.

- The Examiner disagrees. Partridge teaches terminating the transaction whether the requested credit is deemed proper or not (see Partridge, column 2, lines 1-3). In addition, Jonstromer teaches that the confirmation information is sent to the smart card confirming the completion of the transaction (see Jonstromer, column 6, lines 44-47). The Examiner is satisfied that a combination of the Partridge and Jonstromer discloses the Appellant's invention as claimed.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI TRAN whose telephone number is (571)272-7364. The examiner can normally be reached on M-F, 9-4 PM.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. T./
Examiner, Art Unit 3694

/Mary Cheung/
Primary Examiner, Art Unit 3694